

# NOTIFICATIONS AND GROUNDS AND DECISIONS FOR APPLICATIONS DECIDED

Applications between 19/08/19 – 25/08/19

**N.B.** If your area is not shown in the list below, this is due to no notifications being recorded/ applications decided in your area for the specified period.

## **Argyll, Skye & Lochalsh, South and West Inverness**

**Croft:** 2 Arinagour  
**Parish:** Coll  
**Reg No:** A0408  
**Case Number:** 95099  
**Application Type:** Letting of a vacant croft by landlord

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

**Croft:** 20,22 & 24 Lower Inveroy  
**Parish:** Kilmonivaig  
**Reg No:** I2361  
**Case Number:** 99054  
**Application Type:** Letting of a vacant croft by landlord

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

**Croft:** 9, 10, 1/216 & 18 Struanmore  
**Parish:** Bracadale  
**Reg No:** I0846  
**Case Number:** 93771  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.054 ha</b>
<b>Grounds for Decision</b>	
Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.	

**Caithness, Orkney & Shetland**

**Croft:** Skeotaing  
**Parish:** Aithsting  
**Reg No:** Z1497  
**Case Number:** 98283  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.049 ha</b>
<b>Grounds for Decision</b>	
Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.	
<b>Conditions of Direction</b>	
The land must as a first change of use, be used, let or disposed of as part of the site for a new dwellinghouse.	
The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.	
That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** Scarvar Hill (Apportionment)  
**Parish:** Delting  
**Reg No:** Z3199  
**Case Number:** 97348  
**Application Type:** Owner-Occupier Crofter Letting

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

**Croft:** 6 Melby  
**Parish:** Sandness  
**Reg No:** Z2346  
**Case Number:** 98440  
**Application Type:** Division

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
The application provided us with all necessary information to take a decision and is in line with the Commission Plan and Policy Guidance. We are therefore satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or have an adverse effect on the sustainable development of the crofting community.

**Croft:** **Beosetter (The Mills)**  
**Parish:** **Bressay**  
**Reg No:** **Z0005**  
**Case Number:** **97800**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.09 ha</b>
<b>Grounds for Decision</b>		
<p>Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwelling-house on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.</p>		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

**Croft:** **Braewick**  
**Parish:** **Tingwall**  
**Reg No:** **Z3035**  
**Case Number:** **99492**  
**Application Type:** **Decrofting – Part Croft**

<b>Decision – Approved</b>		<b>Extent: 0.0134 ha</b>
<b>Grounds for Decision</b>		
<p>Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.</p>		
<b>Conditions of Direction</b>		
<p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>		

**Croft:** **March**  
**Parish:** **Lunnasting**  
**Reg No:** **Z1191**  
**Case Number:** **89175**  
**Application Type:** **Enlarge Tenanted Croft Land with Non-Croft Land**

<b>Decision – Approved</b>		<b>Extent of Enlarged Croft: 0.066 ha</b>
<b>Grounds for Decision</b>		
<p>We direct that the area as shown on the plan attached to the Direction shall form part of the above croft and will be land to which the 1993 Act applies. We are satisfied that the enlargement is of benefit to the croft and that the area of the enlarged croft does not substantially exceed 30 hectares.</p>		

**Croft:** North Muirs  
**Parish:** Northmavine  
**Reg No:** Z3338  
**Case Number:** 86946  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.572 ha</b>
<b>Grounds for Decision</b>	
<p>The Commission has considered this application from Mr Ratter to decroft part of the tenanted croft at North Muirs, Northmavine, extending to 0.572 (ha) and <b>approves it.</b></p> <p>In coming to its decision, the Commission has identified the following factors are relevant to this application:-</p> <ul style="list-style-type: none"> <li>• Whether the application is for a reasonable purpose within the meaning of section 20 of the Crofters (Scotland) Act 1993 (“the 1993 Act”)</li> <li>• The general interest of the crofting community in the district in which the croft is situated</li> <li>• Whether or not there is or would be demand for a tenancy of the croft.</li> </ul> <p>This application has been decided on its individual merits and under section 24(3), 25(1)(a) and 25(2) of the 1993 Act. The Commission note that the reason given by the applicant to decroft the land is to formalise the existing arrangement whereby Mr Ernie Moritz has been allowed to use the area applied for to develop a horticultural/nursery business. The applicant’s intention is to assign the tenancy of the croft to a third party and prior to doing so he wishes to decroft this area of land to protect the interests of Mr Moritz, as once purchased and decrofted it will no longer form part of the croft. The Commission do not consider the reason given for decrofting is a reasonable purpose within the meaning of section 20 and section 25(1)(a) of the 1993 Act.</p> <p>In assessing whether or not there is a reasonable purpose, the Commission is required in terms of section 25(1)(a) of the 1993 Act to be satisfied that the applicant has applied for in order that the croft may be used for or in connection with some reasonable purpose within the meaning of section 20 of the 1993 Act. While the Commission accepts that the list or reasonable purpose activities set out at section 20 is not exhaustive, it does not consider that horticulture and tree planting are a reasonable purpose for taking land out of crofting tenure as they fall within the definition of “cultivation” as set out at section 5C(8) of the 1993 Act. Accordingly, the Commission has not considered the statutory factors set out in section 25(1)(a) in any detail due to failure to establish a reasonable purpose.</p> <p>Having found there to be no reasonable purpose relating to the factors set out in section 25(1)(a) of the 1993 Act, the Commission turns to the consideration of its discretionary powers to decroft and has regard to section 25(2) of the 1993 Act when it exercises its discretion. In exercising its discretion, the Commission has balanced the interests of the applicant in the Commission giving a decrofting direction with the factors to which it must have regard in section 25(2) of the 1993 Act. These relate to the general interest of the crofting community in the district in which the croft is situated, and in particular the demand, if any, for the tenancy of the croft from persons who might reasonably be expected to obtain the tenancy if the croft were offered for letting on the open market.</p> <p>The Commission notes that the area applied for is an established business operated separately from the remainder of the croft. The SGRPID report confirmed that <i>“The area that is proposed to be decrofted is already fenced off and has not been operated with the rest of the croft area for some time”</i>. The report went on to confirm that the loss of the land would not create any access issues in relation to the remainder of the croft or any other croft or common grazing land, and that the loss of the land would not impact upon the sustainability of the working of the remainder of the croft.</p>	

The Commission notes that there have been no objections received from members of the crofting community in response to the advertising of the application. The Commission further notes that there have been no expressions of demand received in response to the advertising of the application. The Commission did consider whether the removal of this area of land would have a negative impact on the demand for the tenancy of the croft, should it become available for letting. The Commission recognises that the loss of the area to be decrofted from the croft may have a negative impact upon the attractiveness of this croft for any possible future tenant of the croft but has exercised its discretion to balance this against the interests of the applicant in having the land decrofted. In carrying out this balancing exercise, the Commission has had regard to the particular facts and circumstances of this case and to the fact that this particular area of land has been used separately from the rest of the croft. The Commission considers that there could also be a relatively minor negative impact on the general interest of the crofting community by reducing the pool of croft land that is available to future crofters within the crofting community. Nevertheless, this case is not to be regarded as setting any precedent on more general principles and has been decided largely on the basis of the particular facts, as well as the relevant law and policy.

The Commission has, for the above reasons, decided to give a decrofting direction.

#### **Conditions of Direction**

The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of acquisition.

That fence shall be maintained in good order and repair by each successive owner or occupier of the land.

**Highland (excl Caithness)**

**Croft:** 13 Cove  
**Parish:** Gairloch  
**Reg No:** R1480  
**Case Number:** 98222  
**Application Type:** Subletting

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.
<b>Conditions</b>
The sublet term let will be for the fixed period of two years.

**Croft:** Camusteel  
**Parish:** Applecross  
**Reg No:** R0072  
**Case Number:** 98232  
**Application Type:** Subletting

<b>Decision – Approved</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.
<b>Conditions</b>
The sublet term let will be for the fixed period of three years.

**Croft:** 151 Oldshoremore  
**Parish:** Eddrachilles  
**Reg No:** S0944  
**Case Number:** 98319  
**Application Type:** Assignment

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

**Croft:** 242 & 246 Culkein, Achnacarnin  
**Parish:** Assynt  
**Reg No:** S0144  
**Case Number:** 98826  
**Application Type:** Assignment

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

**Western Isles**

**Croft:** 21b Balallan  
**Common Grazing:** Balallan & Arivruaich  
**Parish:** Lochs  
**Reg No:** R2909  
**Case Number:** 91295  
**Application Type:** Apportionment

<b>Decision – Approved</b>	<b>Extent: 9.26 ha</b>
<b>Grounds for Decision</b>	
The application for the Commission’s consent to apportion a part of the above common grazing for the applicant’s own exclusive use has been approved subject to the below conditions.	
<b>Purpose</b>	
Stock management purposes.	
<b>Conditions</b>	
<p>(FIRST) The apportionment must be fenced in accordance with the attached map. If you find it is not possible to enclose the area with a stockproof fence in terms of the attached map, you must complete the fencing within the line of apportionment. You must not encroach onto the unapportioned common grazing land. However, if there are any unforeseen physical constraints which prohibit from enclosing on or within the agreed fence line you may seek a review of the condition.</p> <p>(SECOND) You and your successors shall in all time coming maintain in a stockproof condition any new fences and gates erected to complete the enclosure of the said area of ground and that without prejudice to any liability they may have for the maintenance of any other fences and gates bounding the said area of ground.</p> <p>(THIRD) The souming for the said croft in the Township Common of the said common grazings shall be reduced from 20 sheep/4cows to 16 sheep/4 cows.</p> <p>(FOURTH) Your liability for township expenses including the expenses incurred by the Committee in maintaining the said common grazing and in providing, maintaining and replacing any fixed equipment required in connection therewith, shall, notwithstanding remain as hitherto (that is to say, based on the original souming) but you may apply to the said Grazing Committee for modification of your liability for township obligations and if you are dissatisfied with the decision of the said Grazing Committee you can make representations to the Crofting Commission.</p> <p>(FIFTH) The apportionment is granted on the understanding that the area apportioned is for your own exclusive use.</p> <p>(SIXTH) All existing rights of access over the area apportioned shall be reserved.</p>	

**Croft:** 26a Leurbost  
**Parish:** Lochs  
**Reg No:** R3261  
**Case Number:** 98938  
**Application Type:** Assignment

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.

**Croft:** **9 Lochportain**  
**Parish:** **North Uist**  
**Reg No:** **I4555**  
**Case Number:** **95513**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.193 ha</b>
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the date of the Direction.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** **16 Scalpay Island**  
**Parish:** **Harris**  
**Reg No:** **I1934**  
**Case Number:** **95748**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.13 ha</b>
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** **380 Garrynamonie**  
**Register No:** **I5016**  
**Parish:** **South Uist**  
**Case Number:** **99451**  
**Application Type:** **Assignment**

<b>Decision – Approval</b>		
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.		

**Croft:** **56 North Shawbost**  
**Parish:** **Barvas**  
**Reg No:** **R1112**  
**Case Number:** **96269**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.138 ha</b>
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** **7 South Shawbost**  
**Parish:** **Barvas**  
**Reg No:** **R1120**  
**Case Number:** **96623**  
**Application Type:** **Decrofting – Croft House Site and Garden Ground**

<b>Decision – Approved</b>		<b>Extent: 0.19 ha</b>
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.	
	That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** 4 Northton + Land At Greaval  
**Parish:** Harris  
**Reg No:** I1816  
**Case Number:** 97691  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>		<b>Extent: 0.14 ha</b>
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.  That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	

**Croft:** 67 Coll  
**Parish:** Stornoway  
**Reg No:** R3856  
**Case Number:** 97990  
**Application Type:** Assignment

<b>Decision – Approval</b>	
<b>Grounds for Decision</b>	
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.	

**Croft:** 27 Laxay  
**Parish:** Lochs  
**Reg No:** R3198  
**Case Number:** 98103  
**Application Type:** Assignment

<b>Decision – Approval</b>	
<b>Grounds for Decision</b>	
Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.	

**Croft:** 173 Earsary  
**Parish:** Barra  
**Reg No:** I0396  
**Case Number:** 99050  
**Application Type:** Decrofting – Part Croft

<b>Decision – Approved</b>	<b>Extent: 0.106 ha</b>
<b>Grounds for Decision</b>	
<p>Having considered all of the available information, the Commission is satisfied this application is for a reasonable purpose and that the extent of the land applied for is not excessive in relation to that purpose. The Commission has therefore agreed to grant the Direction as requested.</p>	
<b>Conditions of Direction</b>	
<p>The land must as a first change of use, be used, let or disposed of as the site for a dwellinghouse.</p> <p>The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the development being completed.</p> <p>That fence shall be maintained in good order and repair by each successive owner or occupier of the land.</p>	

**Croft:** 45 Upper Bayble  
**Parish:** Stornoway  
**Reg No:** R3731  
**Case Number:** 99433  
**Application Type:** Assignment

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
<p>Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.</p>

**Croft:** 14 Upper Aird  
**Parish:** Stornoway  
**Reg No:** R3552  
**Case Number:** 98242  
**Application Type:** Assignment

<b>Decision – Approval</b>
<b>Grounds for Decision</b>
<p>Having considered all of the available information, the Commission is satisfied that the application does not adversely affect the interests of the estate, the crofting community, the public at large or will have an adverse effect on the sustainable development of the crofting community and the application has been granted.</p>

**Croft:** 46 North Shawbost  
**Parish:** Barvas  
**Reg No:** R1102  
**Case Number:** 98390  
**Application Type:** Decrofting – Croft House Site and Garden Ground

<b>Decision – Approved</b>		<b>Extent: 0.14 ha</b>
<b>Grounds for Decision</b>		
Having considered all of the available information, the Commission is satisfied as required by the Crofters (Scotland) Act 1993 that the site consists only of the dwellinghouse on or pertaining to the croft and that the extent of the garden ground is appropriate for the reasonable enjoyment of the dwellinghouse as a residence and has agreed to grant the Direction as requested.		
<b>Conditions of Direction</b>		
<b>Enclosure of area:</b>	The land must be enclosed (so far as not already enclosed) with a stockproof fence within four months of the acquisition of the land by the crofter or nominee.  That fence shall be maintained in good order and repair by each successive owner or occupier of the land.	